

1 HONORABLE MARSHA J. PECHMAN
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 RHONDA BROWN, a Washington resident,

12 Plaintiff,

13 v.

14 THE UNIVERSITY OF WASHINGTON, 5TH
15 AVENUE THEATER ASSOCIATION, and 5TH
16 AVENUE THEATER FOUNDATION,

17 Defendants.

18 NO. 2:18-CV-01791-MJP

19 **STIPULATED SETTLEMENT
20 AGREEMENT AND FINAL JUDGMENT**

21 The parties, Plaintiff Rhonda Brown (“Brown”), and Defendant 5th Avenue Theater
22 Association (“5th Ave.”) by their respective undersigned counsel, hereby submit pursuant to
23 Fed. R. Civ. P. 54(c), this Stipulated Settlement Agreement and Final Judgment.

24 **CAUSES OF ACTION**

- 25 A. On December 13, 2018, Plaintiff, by and through her attorneys, Conrad A. Reynoldson,
26 Washington Civil & Disability Advocate and Mark D. Walters, REED PRUETT
WALTERS LARSEN PLLC, filed an action against University of Washington and 5th
Avenue Theater (“Defendants”), with the United States District Court for the Western

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28 Civil Action No. 2:18-cv-01791-MJP

29 **GORDON REES SCULLY
30 MANSUKHANI, LLP**
31 701 5th Avenue, Suite 2100
32 Seattle, WA 98104
33 Telephone: 206.695.5100
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1 District of Washington, Case No. 2:18-cv-01791 (the “Action”). The Action asserted
2 certain legal claims under the Americans with Disabilities Act of 1990, 42 U.S.C. §§
3 12181 *et seq.* (“ADA”), and Washington’s Law Against Discrimination (“WLAD”) in
4 connection with Defendants’ ownership, operation and maintenance of the 5th Avenue
5 Theater. As set forth in the Complaint, Plaintiff brought this action on behalf of herself
6 individually and as a disability advocate to end civil rights violations against persons
7 with mobility disabilities.

- 8 B. Defendants dispute the claims and allegations set forth in the Action and have denied
9 and continue to deny any liability to Plaintiff for any such claims asserted.
10 C. Plaintiff and Defendant 5th Ave. desire to avoid the risk, uncertainty, inconvenience
11 and expense of litigation and have therefore decided to fully and fairly settle any and
12 all claims asserted by Plaintiff, or that could have been asserted, under the ADA, the
13 Washington Law Against Discrimination, and/or under any and all laws of similar
14 import prohibiting discrimination on the basis of disability in public accommodations
15 or business establishments (the “Disability Laws”), as well as any and all claims
16 relating to the 5th Avenue Theaters location, as set forth and under the terms in this
17 Agreement.

18 The rights and obligations of Plaintiff and 5th Ave. with respect to the matters in dispute
19 in this suit are determined as set forth in the below following terms. All claims, counterclaims,
20 cross-claims, and third party claims (including any amendments) are otherwise hereby
21 dismissed with prejudice. This case is dismissed without a court award of attorney’s fees or
22 costs to any party.
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TERMS

A. 5th Ave. Remediation of Architectural Barriers

1. 5th Ave. will install additional wheelchair accessible and companion seats to bring the total number of each to seventeen (17) per the 2010 ADA Standards for Accessible Design. 5th Ave. agrees to provide an updated report by Endelman & Associates to Plaintiff's Counsel confirming that the finalized ADA design plans related to the wheelchair accessible and companion seats are in compliance with the 2010 ADA Standards for Accessible Design. This will be done no later than **January 2, 2020**.
 2. 5th Ave. will mount on each side of the theater ADA compliant wall mounted handrail on the outside walls which will span the entire length of the aisle in order to access the accessible seating locations near the front and on each side of the theater. This will be done no later than **September 15, 2019**.
 3. 5th Ave. will lower the toilets to be between 17 inches and 19 inches to the top of the toilet seat in compliance with the ADA standards. This will be done no later than **September 15, 2019**.
 4. 5th Ave. will add pipe insulation to under lavatories and sinks to protect against contact by users of wheelchairs and mobility devices. This will be done no later than **September 15, 2019**.
 5. 5th Ave. will implement and/or update its Accessibility Services manual to keep the area around the water fountains clear of any obstructions. This will be done no later than **September 15, 2019**.

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2 **B. 5th Ave. Remediation of ADA Ticket Sales and Website**

- 3 1. After the remediation of the wheelchair and accessible companion seats has been
4 completed, 5th Ave. will update its website seat map and ticket purchasing policy to
5 reflect the location and number of wheelchair and accessible companion seats. This
6 will be completed within 30 days from completion of the work.
- 7
- 8 2. 5th Ave. will update its current website seat map and ticket purchasing policy no later
9 than **September 15, 2019**, to reflect all available wheelchair accessible and companion
10 seats.
- 11
- 12 3. 5th Ave. will adopt a Personal Care Attendant (“PCA”) policy where any guest with a
13 disability that requires a PCA present to be able to perform daily living activities, will
14 receive a complimentary ticket and an adjacent ADA seat next to the guest. This policy
15 will not be publicly posted and the guest will have to affirmatively request the
16 complimentary ticket for the PCA to attend. To make a PCA request the guest should
17 call **206-625-1900**, and speak to the manager on duty. This policy will be in effect as
18 of **August 1, 2019**.
- 19 4. Upon completion of “5th Ave. Remediation” as described above in Sections (A) and
20 (B), the 5th Ave. shall provide written notice within thirty (30) days, to Plaintiff’s
21 counsel Conrad A. Reynoldson and Mark D. Walters, that the Remediation is
22 completed and in compliance with 2010 ADA Standards for Accessible Design.
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1 **C. Attorneys' Fees**

2 Plaintiff's counsel acknowledges that the total amount reflected below are for fees
3 and costs to date. Provided the remediation work is completed as set forth in this
4 Stipulated Judgment, Plaintiff's Counsel will not seek any further fees and costs
5 related to the matter of the 5th Ave. Remediation. Within thirty (30) days from the
6 Effective Date of this Order and the receipt of W-9 forms from Plaintiff's counsel, 5th
7 Ave. shall pay \$35,500 in separate checks as follows:

- 8 • \$27,406 made payable to Washington Civil & Disability Advocate; and
9 • \$8,094 made payable to Reed Pruett Walters Larsen, PLLC.

10 Dated: June 10, 2019. REED PRUETT WALTERS LARSEN PLLC

11 By: /s/ Mark D. Walters
12 Mark D. Walters, WSBA #25537
13 11120 N.E. 2nd Street, Suite 200
14 Bellevue, Washington 98004
15 Tel.: 425.688.7620
16 Email: mwalters@rpwlawfirm.com

17 Attorneys for Plaintiff Rhonda Brown

18 Dated: June 10, 2019. WASHINGTON CIVIL & DISABILITY ADVOCATE

19 By: /s/ Conrad A. Reynoldson
20 Conrad A. Reynoldson, WSBA #48187
21 4115 Roosevelt Way NE, Suite B
22 Seattle, Washington 98105
23 Tel.: 206.876.8515
24 Email: Conrad@wacda.com

25 Attorneys for Plaintiff Rhonda Brown

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1 Dated: June 10, 2019.

GORDON REES SCULLY MANSUKHANI, LLP

2 By: /s/ Sarah N. Turner

Sarah N. Turner, WSBA #37748

3 By: /s/ Goldie A. Davidoff

Goldie A. Davidoff, WSBA #53387

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6 Attorneys for Defendants
7 5th Avenue Theater Association and
5th Avenue Theater Foundation

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ORDER

Based on the above terms, it is hereby ORDERED that upon the terms of the Stipulated Settlement Agreement and Final Judgment between Plaintiff and Defendant 5th Ave., dismissal of this matter is with prejudice, without fees and costs awarded to either party.

DATED this 11th day of June, 2019.



Marsha J. Pechman
United States District Judge

Presented by:

GORDON REES SCULLY MANSUKHANI, LLP

By: */s/ Sarah N. Turner*
Sarah N. Turner, WSB#37748
By: */s/ Goldie A. Davidoff*
Goldie A. Davidoff, WSB#53387
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Attorneys for Defendants
5th Avenue Theatre Association and
5th Avenue Theatre Foundation

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CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that on June 10, 2019, she filed the foregoing document using the Court's ECF filing system, which will send copies to all attorneys of record.

DATED: June 10, 2019.

/s/ Dana Klasky
Dana Klasky, Legal Assistant
Office@wacda.com

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